



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

August 9, 2019

**Re: Dovetail Energy, LLC
Notice of Violation (NOV)
NOV
NPDES
Greene County
1IN00305*AD**

Ms. Cari Oberfield
Dovetail Energy, LLC
P.O. Box 249
Delaware, OH 43015

Subject: Notice of Violation

Dear Ms. Oberfield:

Ohio EPA, Division of Surface Water (DSW) conducted a review of the 2018 Annual sludge report for Dovetail Energy, LLC. The goal of our review was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC) and the terms and conditions of NPDES Permit 1IN00305*AD issued on February 26, 2014.

Violation

Ohio EPA observed the following violation of Ohio's environmental laws and regulations and Dovetail Energy's NPDES permit terms and conditions. Ohio EPA DSW recommends you promptly address these violations.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **Ohio Revised Code (ORC) 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

Ohio Administrative Code (OAC) 3745-40-08(A)(2): Class B biosolids shall be beneficially used at the calculated agronomic rate at a beneficial use site.

NPDES permit no. 1IN00305*AD, Part II. G: All treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee shall comply with ORC 6111, OAC 3745-40, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the treatment, storage, transfer, or disposal of sewage sludge and biosolids and the beneficial use of biosolids by the Permittee.

- (a) **Violation Description**: The 2018 annual sludge report indicates that the actual agronomic rate exceeded the calculated agronomic rate for 6 out of the 7 fields where biosolids were beneficially used in 2018.

- (b) **Requested Action:** Please provide an explanation for why the agronomic rate exceedances occurred and submit a plan detailing the procedures used to ensure that the calculated agronomic rate for beneficial use sites is not exceeded.

Conclusion

No later than September 6, 2019, please submit the requested plan and provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violation cited above. Documentation of steps taken to resolve this violation includes but is not limited to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to betsy.vanwormer@epa.ohio.gov. If circumstances delay resolution of violations, Dovetail Energy is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violations in a timely manner.

Failure to comply with Chapter 6111.07 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at betsy.vanwormer@epa.ohio.gov or 614-644-2150.

Sincerely,



Betsy L. VanWormer, P.E.
Environmental Specialist III
Ohio EPA Division of Surface Water

ec: Tiffani Kavalec, DSW, CO
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